

METROPOLITAN TRANSPORTATION COMMISSION

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Web site: www.mtc.ca.gov

Steve Kinsey, Chair Marin County and Cities

May 6, 2004

Jon Rubin, Vice Chair San Francisco Mayor's Appointee

To: Congestion Management Agencies

Tom Ammiano City and County of San Francisco

Irma Anderson Cities of Contra Costa County

Tom Azumbrado U.S. Department of Housing and Urban Developmen

James T. Beall Jr. Santa Clara County

Mark DeSaulnier

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Dorene M. Giacopini U.S. Department of Transportation

> Scott Haggerty Alameda County

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> Sue Lembert Cities of San Mateo County

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> James P. Spering Solano County and Cities

Pamela Torliatt Association of Bay Area Governments

Sharon Wright

Sonoma County and Cities

Shelia Young Cities of Alameda County

RE: Second Cycle Program: Local Streets and Roads Shortfall - Call for Projects

Dear CMA:

On April 28, 2004, the MTC Commission approved the Second Cycle Surface Transportation Program (STP), Congestion Mitigation and Air Quality Improvement (CMAQ), and Transportation Enhancement Activities (TE) Programming policies for TEA-21 Reauthorization. Under this Second Cycle Program, approximately \$58 million is being made available for local streets and roads shortfall projects. MTC is currently opening the call for projects to the Congestion Management Agencies (CMAs) or an equivalent agency to develop a list of local streets and roads shortfall funding priorities in their jurisdictions.

MTC will be accepting project submittals through the nine CMAs in the region. The Second Cycle Programming policy is designed to allow flexibility for CMAs to develop expanded Local Streets and Roads Shortfall Program criteria within the regional policies outlined in the Second Cycle Program in their respective call for projects.

Enclosed are program guidelines and eligibility criteria to guide the CMAs in conducting a call for projects. Individual CMA Local Streets and Roads Shortfall Programs must be consistent with MTC's Second Cycle Programming Policy, Resolution No. 3615. MTC will be accepting applications from Monday, May 3, 2004 to Tuesday, August 31, 2004 for the Local Streets and Roads Shortfall Program.

Also enclosed are each county's targeted funding estimates for the Regional Bicycle and Pedestrian Program and County Transportation for Livable Communities/ Housing Improvement Program. The call for projects guidance is forthcoming from MTC.

Please contact Ross McKeown at rmckeown@mtc.ca.gov, (510) 464-7842 or Melanie Choy at mchoy@mtc.ca.gov, (510) 464-7865 for more information.

Sincerely,

ORIGINAL SIGNED BY

Dianne Steinhauser **Programming and Allocations Manager**

Steve Heminger

Ann Flemer Deputy Director/Operations

Therese W. McMillan Deputy Director/Policy DS: MC

J:\PROJECT\Funding\SAFETEA\SAFETEA - STP-CMAQ\1-2-3 Second Cycle\Program Project List - Res 3625\lsr call4prj.doc Attachments

LOCAL STREETS AND ROADS SHORTFALL PROGRAM

Second Cycle TEA-21 Reauthorization May 1, 2004

LOCAL STREETS AND ROADS SHORTFALL PROGRAM

Second Cycle TEA-21 Reauthorization May 1, 2004

PART I. GENERAL PROGRAM INFORMATION

MTC is committed to maintaining the regionally important system of state highways and local roads, identified as the Metropolitan Transportation System (MTS). To assist jurisdictions with the local streets and roads maintenance, MTC has set aside Surface Transportation Program (STP) funds for local streets and roads pavement rehabilitation and preventive maintenance projects. State highway rehabilitation and maintenance is to be funded by Caltrans under the State Highway Operations and Protection Program (SHOPP).

Under the Second Cycle STP/CMAQ/TE Program, MTC Resolution No. 3615, slightly less than \$58 million in Surface Transportation Program (STP) funding is made available for MTS pavement rehabilitation projects in fiscal years 2005-06 and 2006-07. Development of the Local Streets and Roads (LS&R) Shortfall Program must be consistent with Second Cycle Programming Policies, Resolution No. 3615, approved by the MTC Commission on April 28, 2004. These policies can be found at www.mtc.ca.gov/funding.htm. Acceptance of funds from the Local Streets and Roads Shortfall Program indicates a project sponsor's acceptance of the federal regulations, state statutes, and regional polices as they pertain to the funding of the project and of the policies set forth in the Second Cycle Program.

PART II. CALL FOR PROJECTS PROCESS AND CONSIDERATIONS

The call for projects for the LS&R Shortfall is being conducted from Monday, May 3 through Tuesday, August 31, 2004. MTC is issuing the call for projects to the CMAs. Each CMA is responsible for developing a list of projects for their jurisdiction. CMAs may develop criteria to augment the Second Cycle policy guidance as adopted in MTC Resolution No. 3615 in their respective call for projects.

Public Involvement Process. MTC is committed to a public involvement process that is proactive and provides comprehensive information, timely public notice, full public access to key decisions, and opportunities for continuing involvement. MTC provides many methods to fulfill this commitment, as outlined in MTC Resolution No. 2648. The MTC website provides information about MTC's projects and programs, the agency's structure and governing body and upcoming public meetings and workshops. It also contains all of MTC's current planning and programming documents and publications located in the MTC-Association of Bay Area governments (ABAG) Library. The site posts agendas and packets as well as audiocasts, making it possible for interested parties to listen at their convenience to all Commission and standing committee meetings held in the MetroCenter's Lawerence D. Dahms Auditorium.

The Metropolitan Transportation Commission (MTC) is committed to having the congestion management agencies (CMAs) as full partners in development of the LS&R Shortfall Program. That participation likewise requires the full commitment of the CMAs to a broad, inclusive public involvement process. Federal regulations call for active outreach strategies in any

metropolitan planning process, but opportunities for the public to get involved are especially important with the project selection process for the LS&R Shortfall Program.

Below are suggestions for congestion management agencies to use in seeking suggestions and comments on proposed projects that will be submitted to MTC for inclusion in the 2004 RTIP. Further guidance is contained in the CMA Guidelines for Public Involvement Strategy for the Transportation 2030 Plan.

- Hold public meetings to adequately cover the major population centers and sub-areas within the county. These meetings should be structured to ensure the inclusion of the views and concerns of low-income and minority communities covered under Title VI of the Civil Rights Act.
- Provide for the public the key decision milestones in the process, so that interested residents can follow the process and know in advance when the CMA board will take action.
- In addition to the public meetings above, provide and publicize opportunities for affected stakeholders to comment about county projects at regularly scheduled meetings of the CMA policy board.
- Make a concerted effort to publicize meetings to a wide range of interest organizations and residents, including groups representing low-income and minority communities.

Title VI Considerations. Investments made in the LS&R Shortfall Program must be consistent with federal Title VI requirements. Title VI prohibits discrimination on the basis of race, color, income, and national origin in programs and activities receiving federal financial assistance. Public outreach to and involvement of individuals in low income and minority communities covered under Title VI of the Civil Rights Act and the Executive Order pertaining to Environmental Justice is critical to both local and regional decisions. Additionally, the CMAs must consider equitable solicitation and selection of project candidates in accordance with federal Title VI requirements.

Accommodations for Bicyclists, Pedestrians and Persons with Disabilities. Federal, state and regional policies and directives emphasize the accommodation of bicyclists, pedestrians, and persons with disabilities when designing transportation facilities. Of particular note is Caltrans Deputy Directive 64 which stipulates: "pedestrians, bicyclists and persons with disabilities must be considered in all programming, planning, maintenance, construction, operations, and project development activities and products." MTC's Regional Bicycle Plan, adopted as a component of the 2001 RTP, requires that "all regionally funded projects consider enhancement of bicycle transportation consistent with Deputy Directive 64".

In selecting projects, the CMAs and project sponsors must consider federal, state and regional policies and directives regarding non-motorized travel, including, but limited to, the following:

Federal Policy Mandates

TEA-21 states that, "Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation projects, except where bicycle and pedestrian use are not permitted." (Section 1202)

The Federal Highways Administration Program Guidance on bicycle and pedestrian issues makes a number of clear statements of intent, and provides a best practices concept as outlined in the US DOT Policy Statement on Integrating Bicycling and Walking into Transportation Infrastructure." (http://www.fhwa.dot.gov/environment/bikeped/Design.htm)

State Policy Mandates

California Government Code Section 65089(b)(1)(B)(5) requires that the design, construction and implementation of roadway projects proposed for funding in the STP/CMAQ/TE Program, must consider maintaining bicycle access and safety at a level comparable to that which existed prior to the improvement or alteration.

Caltrans Deputy Directive 64 (http://www.dot.ca.gov/hq/tpp/offices/bike/DD64.pdf), states: "the Department fully considers the needs of non-motorized travelers (including pedestrians, bicyclists, and persons with disabilities) in all programming, planning, maintenance, construction, operations, and project development activities and products. This includes incorporation of the best available standards in all of the Department's practices. The Department adopts the best practices concept in the US DOT Policy Statement on Integrating Bicycling and Walking into Transportation Infrastructure."

Regional Policy Mandates

All projects programmed in the LS&R Shortfall Program must consider the impact to bicycle transportation, pedestrians and persons with disabilities. Furthermore, it is encouraged that all bicycle projects programmed in the Local Streets and Roads Shortfall Program support the Regional Bicycle Network. Guidance on considering bicycle transportation can be found in MTC's 2001 Regional Bicycle Plan (a component of the 2001 RTP) and Caltrans Deputy Directive 64. MTC's Regional Bicycle Plan, containing federal, state and regional polices for accommodating bicycles and non-motorized travel, is available on MTC's Web site at: http://www.mtc.ca.gov/projects/rtp/bicycle.htm

PART III. LOCAL STREETS AND ROADS PROJECT ELIGIBILITY

Purpose of Rehabilitation and Preventive Maintenance Projects. The purpose of pavement rehabilitation and preventive maintenance projects is to preserve and extend the service life of an existing facility. This includes work on non-pavement items listed in Attachment A, placement of additional pavement surfacing and/or other work necessary to return an existing structure or roadway, including shoulders, to a serviceable condition. Pavement rehabilitation and preventive maintenance strategies should extend the service life of a facility for a minimum of 5 years. This program does not fund routine maintenance projects.

Pavement Management System. MTC recognizes the importance of having effective pavement management tools available to jurisdictions. MTC's pavement management system, StreetSaverTM, is used by 106 of the 109 cities and counties in the Bay Area and the software has been instrumental in accurately establishing the rehabilitation needs of local streets and roads in the region. In addition to providing meaningful estimates on the future financial rehabilitation needs of the local streets and roads, the system also uses decision rules to help jurisdictions determine the most cost effective treatments for rehabilitating a facility.

The proposed projects must be based on the analysis results from an established PMS for a jurisdiction. The sponsoring agency must have a certified Pavement Management System (PMS), MTC's or equivalent, for submitting rehabilitation and preventive maintenance projects. MTC is responsible for verifying the certification status. A list of jurisdiction certification status can be found at www.mtcpms.org/ptap/cert.html.

Project Eligibility. The LS&R Shortfall funding is reserved for pavement rehabilitation and preventive maintenance projects located on the Metropolitan Transportation System (MTS).

Projects eligible for funding under the LS&R Shortfall Program include pavement rehabilitation, preventive maintenance, and non-pavement rehabilitation projects on the MTS. Because non-pavement elements of a project may vary depending on the nature of the rehabilitation project, MTC is not specifying a percentage that limits the non-pavement portion of a project. CMAs may dictate a specific non-pavement percentage in their respective call for projects. MTC encourages projects sponsors to apply discretion when submitting non-pavement projects or adding non-pavement elements to a project.

Capacity-expansion projects, right of way purchases, channelization, routine maintenance, spot application, seismic retrofit, and structural repair on bridges are not eligible activities. Non-pavement enhancements, such as streetscape projects and new traffic calming features, are also not eligible for this program. Generally, the non-pavement activities and projects are replacement of features that currently exist on the roadway facility. Refer to Attachment A for a list of eligible non-pavement project types.

Metropolitan Transportation System. The local streets and roads shortfall funding is reserved for improving pavement and non-pavement facilities on the MTS. However, MTC allows flexibility for counties to fund non-MTS projects in jurisdictions without MTS routes or those who can demonstrate there is no need on their MTS routes. The project sponsor must demonstrate a Pavement Condition Index (PCI) of 70 or greater on their MTS routes before being granted the exception to use these funds off of the MTS.

Flexibility for funding pavement rehabilitation projects off of the MTS will be accepted based on meeting either of the two criteria:

- a) There are no MTS facilities in a particular jurisdiction; or
- b) All MTS facilities within an individual jurisdiction meet the Pavement Condition Index of 70 or above (or an equivalent condition rating). The PCI is based on MTC's Pavement Management System software rating. Upon request, MTC will accept an equivalent PCI threshold for jurisdictions that are using a pavement management system with a different condition rating scale. These jurisdictions are responsible for justifying their equivalent PCI rating requests.

First priority shall be given to MTS projects within a jurisdiction. Flexibility for funding projects off of the MTS will be evaluated on a case-by-case basis by the county CMAs.

Fully Funded Projects. MTC will program a project component only if it finds that the component itself is fully funded with committed funds. MTC will regard funds other than STP, CMAQ, and TE as committed when the agency with discretionary authority over the funds has made its commitment

to the project by ordinance or resolution. For federal discretionary funds, the commitment may be through federal approval of a full funding grant agreement or other federal approval. Any cost increases are the responsibility of the project sponsor.

Federal-Aid Eligible Facilities. All public roads functionally classified above rural minor collector are eligible for STP funding. The functional classification system for roadway facilities is further separated between urban and rural classification systems to reflect the fundamentally different travel characteristics of these two classes.

The urban functional classification system is hierarchically represented by four functional categories: 1) principal arterials, 2) minor arterials, 3) collector streets, and 4) local streets. Projects located on facilities classified as collector streets and above are eligible for funding in the urban system. Projects located on a facility classified as a local street in the urban functional classification is not eligible for funding.

The rural functional classification system is separated into five categories: 1) principal arterials, 2) minor arterials, 3) major collectors, 4) minor collectors, and 5) local streets. For facilities in the rural classification system, projects located on major collectors and above are eligible for funding. Projects located on facilities classified as minor collectors and local streets are not eligible for funding.

Caltrans maintains a database of the functional classifications for a majority of the roadways in California. For a general description of the functional classification system, please see http://www.dot.ca.gov/hq/LocalPrograms/f_class/f_class.htm. The database is accessible online at http://www.dot.ca.gov/hq/LocalPrograms/Reports_db.htm. Periodically, Caltrans shuts the database down to update the data. If the Caltrans database is inaccessible, please contact Office of Highway System Engineering, Caltrans, at (916) 654-5156 for a functional classification verification of a particular roadway.

PART IV. COUNTY FUNDING TARGETS

The LS&R Shortfall funding distribution is based on the MTS shortfalls for each county. The STP funds available for programming are in fiscal years (FY) 2005-06 and 2006-07. Assignment of the fiscal years to projects is becoming very important under the current fiscal conditions many agencies are facing. Specifically, funds designated for each project component will only be available for obligation in the fiscal year in which the funds are programmed in the Transportation Improvement Program (TIP). It is therefore very important that projects be ready to proceed in the year programmed. A project that is assigned FY 2005-06 funding is required to obligate those funds by June 30, 2006 and funds assigned in FY 2006-07 are required to obligate by June 30, 2007. Additionally, these projects cannot receive an obligation before the region meets the obligation needs for projects programmed with FY 2004-05 and earlier funds.

County	MTS Shortfall	FY 2005-06	FY 2006-07	Tota	al Funding
	(% Share)			7	Targets -
Alameda	10%	\$ 2,864,000	\$ 2,864,000	\$	5,728,000
Contra Costa	11%	\$ 3,067,000	\$ 3,068,000	\$	6,135,000
Marin	6%	\$ 1,690,000	\$ 1,690,000	\$	3,380,000
Napa	6%	\$ 1,688,000	\$ 1,688,000	\$	3,376,000
San Francisco	9%	\$ 2,673,000	\$ 2,673,000	\$	5,346,000
San Mateo	7%	\$ 1,869,000	\$ 1,869,000	\$	3,738,000
Santa Clara	28%	\$ 8,037,000	\$ 8,037,000	\$	16,074,000
Solano	3%	\$ 943,000	\$ 944,000	\$	1,887,000
Sonoma	20%	\$ 5,826,000	\$ 5,826,000	\$	11,652,000
Total	1000/	¢ 20 657 000	¢ 29 650 000	d.	E7 246 000

Table 1: Local Streets and Roads Funding Targets

When distributing the funds, remember to assign funding to projects rounded to the nearest thousand. MTC will round downwards to the nearest thousand for any projects with non-rounded figures. Table 1 lists the funding targets for each county. Counties cannot exceed the annual targets listed.

PART V. LOCAL MATCH

Projects funded with STP funds require a non-federal local match. Based on California's share of the nation's federal lands, the local match for STP is 11.47% of the total project cost. The Federal Highway Administration (FHWA) will reimburse up to 88.53% of the total project cost. The project sponsor is responsible for obtaining the required non-federal match.

PART VI. PROJECT DELIVERY

The Regional Project Delivery Policy (MTC Resolution No. 3606) establishes deadlines for funding in the STP and Congestion Mitigation and Air Quality Improvement (CMAQ) Program to ensure timely project delivery against state and federal funding deadlines. Resolution 3606 establishes a standard policy for enforcing project funding deadlines and project substitutions for these funds during the Transportation Equity Act for the Twenty-First Century (TEA-21) Reauthorization. Projects programmed in LS&R Shortfall Program are subject to the provisions of MTC Resolution No. 3606 (located on the internet at: http://www.mtc.ca.gov/MTC/funding/MTC Res_3606.pdf).

Projects are chosen for the LS&R Shortfall Program based on eligibility, project merit, and deliverability within the established deadlines. The programmed STP funds are for those projects alone. It is the responsibility of the implementing agency at the time of programming, to ensure the regional deadlines and provisions of the regional project delivery policy can be met.

MTC staff will actively monitor and report the obligation status of projects to the Finance Working Group (FWG) of the Bay Area Partnership. The FWG will monitor project delivery issues as they arise and make recommendations to the Partnership Technical Advisory Committee (PTAC) as necessary.

STP, CMAQ, and TE funds are programmed in the fiscal year the project is to be obligated by FHWA. Projects selected in Second Cycle are expected to be obligated in FY 2005-06 through 2006-07. A project sponsor may not be reimbursed for expenditures made prior to the issuance of authorization to proceed (E-76). Therefore, the project sponsor must not incur costs prior to an authorization to proceed (E-76) from FHWA (or authorization for Advance Construction (AC)), or a transfer of funds to FTA (or pre-award authority).

Obligation deadlines, project substitutions and redirection of project savings will continue to be governed by the MTC Regional Project Delivery Policy which enforces fund obligation deadlines and project substitution for STP and CMAQ funds (MTC Resolution No. 3606).

PART VII. PROJECT AMENDMENTS

The implementing agency or MTC may determine that circumstances may justify changes to the STP programming. These changes, or amendments to these regional programs, are not routine. All proposed changes will be reviewed by MTC staff before any formal actions on program amendments are considered by the Commission. All changes must follow MTC policies on the Public Involvement Process and Federal Air Quality Procedures and Conformity Protocol. Changes must be consistent with the Regional Transportation Plan (RTP), must not adversely affect the expeditious implementation of Transportation Control Measures (TCMs), must not negatively impact the deliverability of other projects in the regional programs, and must not affect the conformity finding in the TIP.

PART VIII. APPLICATION MATERIALS

There are three elements to the application: 1) main application, 2) Resolution of Local Support and 3) Opinion of Legal Counsel.

Application Materials:	Deadlines:		
1. Application	CMAs shall submit applications through the online application located at: http://apps06.mtc.ca.gov/webfms/index.jsp		
	By August 31, 2004		
2. Resolution of Local Support	Send the Resolutions of Local Support and Opinion of		
	Legal Counsel to:		
3. Opinion of Legal Counsel	Melanie Choy Metropolitan Transportation Commission 101 Eighth Street Oakland, CA 94607		
	By December 1, 2004		

Project submittals from the CMAs will be accepted by MTC via the online application accessible through MTC's website at http://apps06.mtc.ca.gov/webfms/index.jsp. CMA's must submit their programs by August 31, 2004.

An authorizing resolution stating the sponsor's commitment to complete the project as scoped with the funds requested and an Opinion of Legal Counsel must accompany all local projects included in the Second Cycle Program. MTC has the authority to deprogram projects that do not have a Resolution of Local Support and an Opinion of Legal Counsel on file. Project sponsors and implementing agencies need to submit the documents by December 1, 2004. An agency with multiple projects can submit one Resolution of Local Support and Opinion of Legal Counsel that encompasses all of the projects. However, individual Certifications of Assurances accompanying the resolution of Local Support must be submitted for each project. Moreover, project sponsors have the option of consolidating the 'Opinion of Legal Counsel' within the Resolution of Local Support, by incorporating the statements into the Resolution of Local Support. A sample Resolution of Local Support and Opinion of Legal Counsel is provided in Attachment B, C, and D.

PART IX. PROJECT SUBMITTAL AND SCHEDULE

For more detailed Second Cycle Programming Policies, please refer to MTC Resolution No. 3615. Attached is the overall schedule for all eight of the project categories of the Second Cycle STP/CMAQ/TE Program (Attachment E) for your reference.

CMAs must submit project applications to MTC by Tuesday, August 31, 2004.

For more information regarding the Local Streets and Roads Shortfall Funding Program, please contact the following MTC staff:

Ross Mckeown rmckeown@mtc.ca.gov (510) 464-7842 Melanie Choy mchoy@mtc.ca.gov (510) 464-7865

For more information regarding the online WebFMS application process, please contact the following MTC staff:

Raymond Odunlami rodunlami@mtc.ca.gov (510) 464-7717 Tom Mac tmac@mtc.ca.gov (510) 464-7867

For more information regarding the Pavement Management System, please contact the following MTC staff:

Theresa Romell tromell@mtc.ca.gov (510) 817-3243 Sui Tan stan@mtc.ca.gov (510) 817-3250

Attachment A Pavement Rehabilitation and Preventive Maintenance Project Eligible Project Costs

Category: Pavement Rehabilitation and Preventive Maintenance

- A. Material cost
- B. Labor cost
- C. Rental equipment costs related to the project
- D. Pavement striping costs
- E. Replacement of loop detectors
- F. Necessary incidental repairs required by the roadway improvement (such as repairs/replacement of storm drains, culverts, drainage channels, curb & gutter, driveway conforms)
- G. Staff costs
- H. Project design costs
- I. Construction engineering/management costs (up to 15% of construction cost)
- J. Contract procurement and advertising costs
- K. Adjustment of storm drain manholes/survey monuments/storm water inlets/ utility covers and boxes
- L. Traffic control at project site
- M. Dust control measures
- N. Erosion control measures
- O. Repairs to shoulders
- P. Mobilization costs

Non-Pavement Rehabilitation Project Types

- 1. Minor Structures:
 - Drainage –headwalls, CMP, etc
 - Retaining walls
 - Storm damage (slope protection, slide repair)
- 2. ADA compliance (ramps)
- 3. NPDES / Permits
- 4. Traffic Safety Signs, signals, stripping, etc
- 5. Bike path Class II / III only
- 6. Pedestrian Sidewalks

Attachment B

Project sponsors must submit a completed project application for each project proposed for funding in the Local Streets and Roads Shortfall Program. In addition to the application available on the Internet at: http://www.mtc.ca.gov/funding.htm, projects sponsors must submit a Resolution of Local Support and Opinion of Legal Counsel.

- 1a. Resolution of local support *
- b. Local agency certification of assurances
- 2. Opinion of legal counsel *
- * NOTE: Project sponsors have the option of consolidating the 'Opinion of Legal Counsel' within the Resolution of Local Support, by incorporating the following statements into the Resolution of Local Support:

Resolved, that (agency name) is an eligible sponsor of projects in the State Transportation Improvement Program; and be it further

Resolved, that (agency name) is authorized to submit an application for State Transportation Improvement Program funds for (project name); and be it further

Resolved, that there is no legal impediment to (agency name) making applications for Regional Improvement Program funds; and be it further

Resolved, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of (agency name) to deliver such project; and be it further

If the above language is not provided within the Resolution of Local Support, an Opinion of Legal Counsel is required as provided in Part 1b

Attachment C: Part 1a. Second Cycle STP/CMAQ/TE Program Sample Resolution of Local Support

Resolution N	No.
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AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL SURFACE TRANSPORTATION
PROGRAM FUNDING FOR (project name) AND COMMITTING THE NECESSARY NON-FEDERAL
MATCH FOR THE PROJECT(S) AND STATING THE ASSURANCE OF (name of jurisdiction) TO
COMPLETE THE PROJECT

WHEREAS, the Transportation Equity Act for the 21st Century (TEA 21) (Public Law 105-178, June 9, 1998) and the TEA 21 Restoration Act (Public Law 105-206, July 22, 1998) continue the Surface Transportation Program (23 U.S.C. § 133 and the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149); and

WHEREAS, the TEA-21 legislation will guide STP, CMAQ, and TE programming until a TEA-21 Reauthorization bill is authorized; and

WHEREAS, pursuant to TEA-21, and the regulations promulgated thereunder, eligible project sponsors wishing to receive Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program grants for a project shall submit an application first with the appropriate metropolitan transportation planning organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission is the MPO for the San Francisco Bay region; and

WHEREAS, (applicant) is an eligible project sponsor for Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program funds; and

WHEREAS, (applicant) wishes to submit an application to MTC for funds from the Surface Transportation Program Improvement Program in fiscal year 2005-06 and 2006-07 for the following project:

(project description) .

WHEREAS, MTC requires, as part of the application, a resolution stating the following:

- 1) the commitment of necessary local matching funds of at least 11.47%; and
- 2) that the sponsor understands that the Surface Transportation Program and Congestion Mitigation and Air Quality Improvement Program funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program funds; and
- 3) the assurance of the sponsor to complete the project as described in the application, and if approved, as programmed in MTC's TIP; and
- 4) that the sponsor understands that funds must be obligated by June 30 of the year that the project is programmed for in the TIP, or the project may be removed from the program; and
- 5) that the sponsor has a certified pavement management system (PMS).

NOW, THEREFORE, BE IT RESOLVED by (governing board name) that (applicant) is authorized to execute and file an application for funding under the Surface Transportation Program of TEA -21 Reauthorization in the amount of (\$ STP request) for (project description); and

BE IT FURTHER RESOLVED that (governing board) by adopting this resolution does hereby state that:

- 1) (applicant) will provide (\$ match amount) in non-federal matching funds; and
- 2) (applicant) understands that the Surface Transportation Program and Congestion Mitigation and Air Quality Improvement Program funding for the project is fixed at (\$STP/CMAQ amount), and that any cost increases must be funded by the (applicant) from local matching funds, and that (applicant) does not expect any cost increases to be funded with Surface Transportation Program or Congestion Mitigation and Air Quality Improvement Program funds; and
- 3) (project name) will be built as described in this resolution and, if approved, for the amount shown in the Metropolitan Transportation Commission (MTC) Transportation Improvement Program (TIP) with obligation occurring within the timeframe established below; and
- 4) The program funds are expected to be obligated by June 30 of the year the project is programmed for in the TIP.

BE IT FURTHER RESOLVED that (agency name) is an eligible sponsor of projects in the Surface Transportation Program; and be it further

BE IT FURTHER RESOLVED that (agency name) is authorized to submit an application for Surface Transportation Program funds for (project name); and be it further

BE IT FURTHER RESOLVED that there is no legal impediment to (agency name) making applications for Local Streets and Roads Shortfall Program funds; and be it further

BE IT FURTHER RESOLVED that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of (agency name) to deliver such project; and be it further

BE IT FURTHER RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and

BE IT FURTHER RESOLVED that the MTC is requested to support the application for the project described in the resolution and to program the project, if approved, in MTC's TIP.

Certified By: Signature

Attachment C: Part 1b. Second Cycle STP/CMAQ/TE Program Certification of Assurances

The sponsor indicated below hereby certifies that the project indicated below, for which Surface Transportation Program funding from MTC's Local Streets and Roads Shortfall Program is requested, meets the following project screening criteria. **Please initial each.**

Sp	onso	oring Agency:		
Pr	ojec	t Name:		
1.	The project is eligible for consideration in the Surface Transportation Program, as identified in Section 1108 of the Transportation Equity Act for the 21st Century.			
2.	The	e agency is an eligible sponsor of projects in the Surface Transportation Program		
3.	An	application has been submitted for the project		
4.	The	e project is consistent with the Regional Transportation Plan (RTP).		
5.	The	e project is fully funded and results in an operable and useable segment.		
6.	For	the funds requested, no costs have/will be incurred prior to the federal authorization of the funds		
7.	7. The year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project			
8.		e implementing agency has a certified Pavement Management System with MTC in accordance with Section of Title 23, United States Code		
9.	Co	st increases on the project are the responsibility of the project sponsor		
10	. Co	st savings from the project will be returned to the region		
11	. The	e sponsor agrees to be available for any audit of STP/CMAQ funds, if requested		
ST	P/CI	onsor agrees to abide by all regulations, statutes, rules and procedures applying to Second Cycle MAQ/TE Program, and to follow all requirements associated with the funds programmed to the TIP, ng, but are not limited to the four items below:		
	1.	Environmental requirements: NEPA standards and procedures for all projects with Federal funds; CEQA standards and procedures for all projects programmed with State funds.		
	2.	Federal Transit Administration (FTA) requirements, as outlined in FTA regulations and circulars for all projects with FTA funding		
	3.	Federal Highway Administration (FHWA) and Caltrans requirements for highway and other roadway projects as outlined in the Caltrans Local Programs Manual.		
	4.	Federal air quality conformity requirements, and local project review requirements, as outlined in the adopted Bay Area Conformity of the State Implementation Plan (SIP).		

Print Name

Attachment D

Second Cycle STP/CMAQ/TE Program Part 2. Sample Opinion of Legal Counsel

Project sponsors have the option of including specified terms and conditions within the Resolution of Local Support as included in Appendix C. If a project sponsor elects not to include the specified language within the Resolution of Local Support, then the sponsor shall provide MTC with a current Opinion of Counsel stating that the agency is an eligible sponsor of projects for the STP, CMAQ, and TE Second Cycle Program for TEA-21 Reauthorization; that the agency is authorized to perform the project for which funds are requested; that there is no legal impediment to the agency applying for the funds; and that there is no pending or anticipated litigation which might adversely affect the project or the ability of the agency to carry out the project. A sample format is provided below.

below	•						
(Date)							
To: Fr:	(A)	Metropolitan Transportation Commission Applicant)					
Re:	EII	Eligibility for STP, CMAQ, and TE Second Cycle Program funds for TEA-21 Reauthorization					
		unication will serve as the requisite opinion of counsel in connection with the application of (Applicant) for funding from the STP, CMAQ, and TE Second Cycle Program made available the Reauthorization of TEA-21 Legislation.					
	1.	(Applicant) is an eligible sponsor of projects for the STP, CMAQ, and TE Second Cycle Program for TEA-21 Reauthorization.					
	2.	(Applicant) is authorized to submit an application for STP, CMAQ, and TE Second Cycle Program funding for TEA-21 Reauthorization for (project)					
	3.	I have reviewed the pertinent state laws and I am of the opinion that there is no legal impediment to (Applicant) making applications for STP, CMAQ, and TE Second Cycle Program funds for TEA-21 Reauthorization. Furthermore, as a result of my examinations, I find that there is no pending or threatened litigation, which might in any way adversely affect the proposed projects, or the ability of (Applicant) to carry out such projects.					
		Sincerely,					
		Legal Counsel					
		Print name					

Attachment E- STP, CMAQ, and TE Second Cycle Programming for TEA-21 Reauthorization Schedule of Activities May 1, 2004

	Categories 1, 2, & 3 Clean Air,	<u>Category 4</u> Transit Capital	Category 5 Local Streets and	Category 6 TLC/HIP Program	<u>Category 7</u> Regional Bicycle	<u>Category 8</u> STIP Backfill
	Reg. Operations,	Shortfall	Roads Shortfall	Cycle 1	and Pedestrian	STIF Dackiiii
Activities	Planning Activities	2.10.11.11.1	210400 21102441	5,010 1		
Program Development	April 28, 2004		April 28, 2004	April 28, 2004	April – July 2004	January 2004
Issue Call for Projects	May 2004	To be determined	May 3, 2004	Mid- May 2004	Fall 2004	January 2004
End Call for Projects	August 31, 2004		August 31, 2004	June 30, 2004		February 2004
Project Screening and Review	September 1 – 10, 2004		September 1 – 10, 2004	July 2004		February 2004
Presentation to PTAC	September 20, 2004		September 20, 2004			February 9, 2004
PAC Authorization to Release Program for						
Public Review	October 13, 2004	October 13, 2004	October 13, 2004	October 13, 2004		March 3, 2004
Begin Public Comment Period	October 18, 2004	October 18, 2004	October 18, 2004	October 18, 2004		March 5, 2004
Public Hearing at PAC	November 10, 2004	November 10, 2004	November 10, 2004	November 10, 2004	To be determined	March 24, 2004
End Public Comment Period	November 19, 2004	November 19, 2004	November 19, 2004	November 19, 2004		April 6, 2004
Proposed Second Cycle Programming to PAC	December 8, 2004	December 8, 2004	December 8, 2004	December 8, 2004		April 14, 2004
Commission adoption of Second Cycle						
Programming	December 22, 2004	December 22, 2004	December 22, 2004	December 22, 2004		April 28, 2004
TIP Amendment Approval of projects by FHWA, FTA, CAltrans	January/February 2005	To be decided	January/February 2005	January/February 2005		October 2004

FUNDING TARGETS FOR REGIONAL BICYCLE AND PEDESTRIAN PROGRAM AND COUNTY TRANSPORTATION FOR LIVABLE COMMUNITIES PROGRAMS

Second Cycle TEA-21 Reauthorization

Regional Bicycle and Pedestrian Program Funding Targets for a \$32 million program

COUNTY	POP SHARE	4-Year Minimum 75%
ALAMEDA	21%	\$ 5,107,755
CONTRA COSTA	14%	\$ 3,356,779
MARIN	4%	\$ 874,874
NAPA	2%	\$ 439,682
SANTA CLARA	25%	\$ 5,952,752
SAN FRANCISCO	11%	\$ 2,747,973
SAN MATEO	10%	\$ 2,501,837
SOLANO	6%	\$ 1,395,835
SONOMA	7%	\$ 1,622,513
Subtotal	100%	\$ 24,00,000
REGIONAL		\$ 8,000,000

TOTAL FOUR-YEAR PROGRAMMING

\$ 32,000,000

County Transportation for Livable Communities Funding Targets for a \$9 million program.

COUNTY	POP SHARE	4-Year Minimum 75%
ALAMEDA	21%	\$ 1,924,235
CONTRA COSTA	14%	\$ 1,270,570
MARIN	4%	\$ 323,467
NAPA	2%	\$ 165,681
SANTA CLARA	25%	\$ 2,225,827
SAN FRANCISCO	11%	\$ 1,027,225
SAN MATEO	10%	\$ 928,075
SOLANO	6%	\$ 525,262
SONOMA	7%	\$ 609,656
Total	100%	\$ 9,000,000